

## **REMARKS/ARGUMENTS**

Upon entry of the foregoing amendments, new claims 12 to 16 are presently pending in this patent application. Claims 1 to 11 have been cancelled, without prejudice. New claims 12 to 16 have been added. Support for the new claims is found at least at page 2, paragraphs 5 and 6 and page 3, paragraph 1 of the specification. Applicants reserve the right to pursue subject matter that remains after the prosecution of the present application in a future continuing patent application, for example, a division.

### **Discussion of the Restriction Requirement and Provisional Election**

The Action requires applicants to select one of the following two groups of allegedly patentably distinct inventions for examination.

- I. Claims 1 to 5, drawn to a composition comprising an S1P receptor agonist and at least one co-agent shown to have activity against at least one symptom of a demyelinating disease; and
- II. Claims 6 to 11, drawn to a method for treatment, alleviating, or delaying progression of the symptoms of a demyelinating disease comprising administering a composition comprising an S1P receptor agonist and at least one co-agent shown to have activity against at least one symptom of a demyelinating disease.

Although applicants do not agree, applicants have cancelled original claims 1 to 11 and submit herewith new claims 12 to 16, which are drawn to methods of treatment. As such, only claims directed to the subject matter of Group II are presently pending.

The Action includes also a request that applicants provisionally elect a species of S1P receptor, a species of disease, and a species of co-agent. Applicants elect 2-amino-2-[2-(4-octylphenyl) ethyl]propane-1,3-diol as the species of S1P receptor agonist. Applicants respectfully submit that the new claims are only directed to optic neuritis and thus a disease species election is not required. Applicants respectfully submit that the co-agent is an optional component of the method of claim 1 and thus not subject to election. As such, applicants do not elect the presence of a co-agent. Claims 12 to 16 are generic to at least one of the elected species.

## **Conclusion**

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. If there are any issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney.

It is hereby requested that the term to respond to the Action of October 18, 2007 be extended pursuant to 37 C.F.R. § 1.136(a) for four (4) months, from November 18, 2007 to March 18, 2008. The Commissioner is hereby authorized to charge any fees required to Deposit Account No. **19-0134** in the name of Novartis.

Respectfully submitted,

Novartis  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-9273  
Date: 18 March 2008

/Cozette M. McAvoy/  
Cozette M. McAvoy  
Attorney for Applicants  
Reg. No. 60,457